

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
FEBRUARY 25, 1999**

PRESENT: Richard Hinsman, Harold Lee, Richard Kollmansberger, Jerome Nelson, and Nancy Gerrard (by telephone conference)

EXCUSED: James Imhoff, Bettye Lawrence

STAFF PRESENT: Cletus Hansen; Donald Rittel and Division of Enforcement staff were present for portions of the meeting.

GUESTS: Rick Staff, WRA

CALL TO ORDER

The meeting was called to order at 10:07 a.m. by Richard Hinsman, Vice Chair, upon confirmation that the public notice was timely given. A quorum of five members was present.

AGENDA

MOTION: Harold Lee moved, seconded Jerry Nelson, to adopt the agenda as published. Motion carried unanimously.

MINUTES (1/28/99)

MOTION: Harold Lee moved, seconded by Richard Kollmansberger, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Marlene Cummings explained the department's new policy, entitled "Timelines in the Enforcement Complaint Handling Process." She talked about time wasters (obtaining transcripts, our own processing loopholes and computer programming glitches). She also talked about specialty areas of teams, backlogged cases (how they can be resolved quickly) and the possibility of bringing back the priority system.

Division Administrator's Report

Cletus Hansen referred to correspondence in the meeting packet concerning a waiver of continuing education requirements for licensees above a certain age.

LEGISLATIVE UPDATE

The Biennial Budget Bill has now been introduced and selected pages from the bill will be made available to board members at the next meeting. No other bills have been brought to our attention.

ADMINISTRATIVE RULES

Administrative Warnings. Don Rittel referred to a copy of the new rule and briefly discussed the ramifications of it for the board.

RL 12 & 25, Education. A hearing on the rule draft has been scheduled for the next meeting date in March.

Issues Raised By the Wisconsin Realtors Association.

1. A request for amending RL 24.12, Wis. Admin. Code, to allow distribution of a later buyer's offer to a buyer who holds a prior right of first refusal.

MOTION: Jerry Nelson moved, seconded by Dick Kollmansberger, to initiate rulemaking as soon as possible. Motion carried unanimously.

2. A request for amending RL 24.04 (2), Wis. Admin. Code, relating to advertising requirements when renting personally-owned property.

MOTION: Jerry Nelson moved, seconded by Nancy Gerrard, to initiate rulemaking as soon as possible. Motion carried unanimously.

3. Must trust accounts be in a Wisconsin bank? Legal Counsel advised that the answer is No.

The Board also acknowledged an e-mail message from Jim Imhoff, suggesting that these items and one or two others that were in the Buyer Agency Advisory Committee's report be put on next month's agenda.

REPORT OF THE CONTRACTUAL FORMS ADVISORY COUNCIL

Clete Hansen referred to the minutes of the last Council meeting and reported on behalf of Jim Imhoff, Council Chair. The residential listing and offer are almost completed and will have an optional use date of 4/1/99 and a mandatory use date of 11/1/99. The other listings and offers will be ready with a few months.

RECIPROCITY OF LICENSURE

Clete Hansen reported that Wisconsin is almost ready to sign the reciprocal agreement with Illinois. A few clarifications are needed in the written agreement and a state portion of the broker's exam is almost ready to be administered to out-of-state applicants.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Noted screening statistics of January 28, 1999.

NEW BUSINESS

None.

PUBLIC COMMENT

Rick Staff called the Board's attention to an ad in which an unlicensed company offered to provide real estate related services for a flat fee. The Board referred the matter to the Division of Enforcement.

Dick Hinsman distributed an article from Real Trends concerning legislation in Nebraska, relating to the practices of relocation companies.

RECESS TO CLOSED SESSION

MOTION: Jerry Nelson moved, seconded by Harold Lee, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring reports, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried by a roll call vote: Richard Kollmansberger - yes; Harold Lee - yes; Richard Hinsman - yes; Nancy Gerrard - yes; Jerry Nelson - yes.

Open Session recessed at 11:27 a.m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on case closings and stipulations.

Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Jerry Nelson moved, seconded by Nancy Gerrard, to adjourn the Closed Session and to reconvene in Open Session at 12:15 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Harold Lee moved, seconded by Jerry Nelson, to close the following 23 cases presented by the Division of Enforcement for closing. Motion carried unanimously.

98 REB 137
Patricia McCoy
Olympia, Inc.

98 REB 023
Debra Romdenne
Joseph Gilson

98 REB 107
Henry Stillman
Duckett Realty, Inc.
Kathryn Duckett-Merlet

98 REB 269
Chris Hiller
Edwin Hunter
Hunter Realty, Inc.

98 REB 119
Richard L. Jinks

97 REB 210
Michael K. McShane
Equitable Stefaniak Realty

96 REB 203
Robert J. Weidner

98 REB 117
Gordon R. Ladwig

95 REB 389
Roger Rivard
Michael Brenizer
Coldwell Banker Brenizer Realtors, Inc.

97 REB 105
Daniel Voight

95 REB 298
Charles Wachsmuth
Coldwell Banker Brenizaer Realtors, Inc.
Michael R. Brenizer

98 REB 292
Florian Hagen
Michael R. Brenizer
Coldwell Banker Brenizer Realtors, Inc.

98 REB 253
Rachel A. Richter
Point Listing Service

98 REB 265
William Lauer
Milwaukee Property Management Co.

98 REB 358
Roger L. Rivard
Michael Brenizer
Coldwell Banker Brenizer Realtors, Inc.

98 REB 200
William Schumacher
Security Realty
Glenn Witter

98 REB 197
John Lappen

97 REB 094
Jim Heller
Yeschek & Associates Realty, Inc.
Elizabeth Hagist

97 REB 218
Walter Bentley
Boncler, Inc.
Chester Boncler, Jr.

97 REB 328
John Lawlis
Four Seasons Realty of Wis. Inc.

97 REB 126
D. J. Voight Real Estate Co.

96 REB 288
Creative Realty, Inc.
Lorraine Premetz

97 REB 055
John Panzigrau
J. Theisen, Inc.
James W. Theisen

STIPULATIONS

Edward J. Mooney (Genoa City, WI)

MOTION: Richard Kollmansberger moved, seconded by Nancy Gerrard, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the

disciplinary matters involving Edward J. Mooney. Motion carried unanimously.

Harlen W. Hein, Jr. (Onalaska, WI)

MOTION: Richard Kollmansberger moved, seconded by Jerry Nelson, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving Harlen W. Hein, Jr. Motion carried unanimously.

Kevin R. Woldt (Brookfield, WI)

MOTION: Harold Lee moved, seconded by Nancy Gerrard, to table until the next meeting action on the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving Kevin R. Woldt. Motion carried unanimously. Richard Kollmansberger abstained.

ADJOURNMENT

MOTION: Nancy Gerrard moved, seconded by Jerry Nelson, to adjourn the meeting. Motion carried unanimously.

Adjournment at 12:18 p.m.

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